

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

ANDREW CLAUDIO, JAY KATZ, and  
ALLEN SCHNEIDER, individually, and on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

CITICORP TRUST BANK, fsb,

Defendant.

Case No. 2:09-cv-01935-KJD-RJJ

ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
AND COLLECTIVE ACTION  
SETTLEMENT

On September 14, 2010, the Court heard a joint motion by Plaintiffs ANDREW CLAUDIO, JAY KATZ, and ALLEN SCHNEIDER (as Class Representatives), on behalf of themselves and all others similarly situated, and by Defendant CITICORP TRUST BANK, fsb ("CTB") for preliminary approval of a proposed class and collective action settlement. The Court has considered the Stipulation and Settlement Agreement ("Stipulation") and the proposed Notice of Class Action and Pending Settlement ("Class Notice") and attached forms, exhibits and schedules, and the submissions of counsel, and hereby finds and orders as follows:

1. The Court finds on a preliminary basis that the settlement memorialized in the Stipulation, filed with the Court, falls within the "range of reasonableness" and therefore approves the settlement on a preliminary basis.

2. Pursuant to Rule 23(a) and Rule 23(b)(3) of the Federal Rules of Civil Procedure, the Court conditionally certifies, for settlement purposes only, the following class ("Class"): All current and former Marketing Representatives employed by CTB: (a) nationwide, except for those employed in New York and California, between September 25, 2005 through June 16, 2008, (b) in New York between September 25, 2002 through June 16, 2008, and (c) in California between September 25, 2004 through June 16, 2008.

3. Pursuant to 29 U.S.C. § 216(b), the Court further conditionally certifies, for

1 settlement purposes only, the following collective action ("Collective Action"): All current and  
2 former Marketing Representatives employed by CTB nationwide between September 25, 2005  
3 through June 16, 2008.

4 4. This Order, which conditionally certifies a class and collective action for  
5 settlement purposes only, shall not be cited in any matter for the purpose of seeking class or  
6 collective action certification or class or collective action notice.

7 5. The Court appoints for settlement purposes only Andrew Claudio, Jay Katz, and  
8 Allen Schneider as Class and Collective Action Representatives.

9 6. The Court appoints for settlement purposes only Mark Thierman of the Thierman  
10 Law Firm as Class Counsel for the Settlement Class.

11 7. The Court appoints Rust Consulting, Inc. as the Claims Administrator.

12 8. The parties are ordered to carry out the settlement according to the terms of the  
13 Stipulation.

14 9. Any payments relating to this settlement shall be made pursuant to the  
15 establishment of a Qualified Settlement Fund, as defined in the Stipulation.

16 10. The Court will conduct a Final Approval hearing on March 4 2011 at  
17 9 a.m. in Courtroom 6D. The Court expressly reserves the right to adjourn or continue the  
18 Final Approval Hearing without further notice to the Class Members.

19 IT IS SO ORDERED.

20  
21 Dated: 9/14, 2010



22 HON. Kent Dawson  
23 United States District Court Judge